

Revised Member of Household (MOH) Regulations

(From State Department Cable issued November 3, 2015)

Summary

At the request of the Regional Executive Directors, the Director General reviewed and revised the regulatory definition and policies covering MOHs. The revisions refine the definition and standardize policies on MOHs that should make application consistent throughout our overseas posts. They also clarify that Eligible Family Member (EFM) parents have the same status as MOH parents for employment at U.S. missions. Declared MOHs currently at post who no longer fall within the definition of MOH will maintain MOH status through the end of their sponsor's current tour of duty. Similarly, any EFM parent who was erroneously given a hiring preference and is currently working at post can continue in the position through the end of their sponsor's tour of duty. Employees who have travelled with MOHs for whom they are de facto guardians (i.e. nieces, nephews, other) but who will no longer fall within the definition of MOH may wish to consider legal guardianship (see 14 FAM 511.3, Definitions: Eligible Family Members). End Summary.

About the Revisions

Revisions to 3 FAM 4181 and 7121 make the definition of MOH consistent within these sections of the FAM and narrow the definition of MOH by specifically listing the types of familial relationships that are eligible for MOH status. Additional revisions to 3 FAM 4181 clarify the benefits available to MOHs at post. Additional revisions to 3 FAM 7121 clarify that EFM parents (parents granted EFM status pursuant to 14 FAM 511.3(2)) are not Appointment Eligible Family Members (AEFMs) or U.S. Citizen Eligible Family Members (USEFMs) for employment purposes. Thus, an EFM parent does not receive the hiring preference that other USEFMs receive. Rather, EFM parents are on equal footing with MOH parents for job opportunities at missions abroad.

New 3 FAM 4181

- a. **Definition of Member of Household (MOH):** An individual who accompanies or joins a sponsoring employee, i.e., sponsor is a direct hire employee under Chief of Mission authority, either Foreign Service, Civil Service, or uniformed service member who is permanently assigned to or stationed abroad at a U.S. mission, or at an office of the American Institute in Taiwan.

A MOH is an individual who meets the following criteria:

1. Not an EFM and therefore not on the travel orders or approved through form OF-126 Foreign Service Residence and Dependency Report of the sponsoring employee; and
2. Officially declared by the sponsoring U.S. Government employee to the Chief of Mission (COM) as part of his or her household and approved by the COM; and
3. Is a parent, grandparent, grandchild, unmarried partner, adult child, foreign born child in the process of being adopted, father, mother, brother, sister, father-in-law, mother-in-law, son-

in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister; who falls outside the Department's current definition of Eligible Family Member 14 FAM 511.3. A MOH may or may not be a U.S. citizen. MOHs are by definition cohabitants. Therefore, if the MOH is not a U.S. citizen, employees who declare MOHs to the COM must ensure compliance with the provisions of [12 FAM 275](#), Reporting Cohabitation with and/or Intent to Marry a Foreign National.

- b. Where appropriate and practicable and subject to applicable law, Chiefs of Mission and their staffs should ensure that the official American community is as welcoming as possible and should apply the following policies fairly and equitably to all MOHs:
 - 1. May assist MOHs, upon request, in obtaining available residency permits and travel visas in accordance with local law. There are host countries that may not provide these opportunities to MOHs. However, posts may not request diplomatic privileges, immunities, or exemptions for MOHs and, to the extent post informs the foreign government that the MOH has accompanied the employee abroad and resides with the employee, it should expressly state that the MOH is not regarded by the Department of State as a member of the employee's family forming part of his or her household for the purposes of the Vienna Conventions on Diplomatic or Consular Relations or for any other official purpose;
 - 2. Consider MOHs, who can legally work in the respective country and who have obtained any necessary work permits, for positions at post that are appropriate for their citizenship. Such consideration is subject to applicable law, including nepotism regulations, and priority consideration for USEFM and veterans preference;
 - 3. At the employee's request and with the MOH's authorization, include MOHs in post telephone and address listings;
 - 4. Include MOHs in local Community Liaison Office (CLO) events and other post sponsored activities and programs as appropriate;
 - 5. Provide access to limited FSI training – contact FSI, CDO, or FLOAskTraining@state.gov; and
 - 6. MOHs do not fall under COM authority but may be required to comply with applicable COM policies as a condition of living in a USG residence or using Embassy/consulate facilities.
- c. Posts may consult with the Bureau of Human Resources (Office of Policy Coordination (DGHR/PC)) if they have questions about policies related to MOHs other than those set forth in this subchapter.
- d. Employees' responsibilities with respect to MOHs:
 - 1. Employees must declare and receive approval for all MOHs from the Chief of Mission;
 - 2. Employees must ensure that their MOHs comply with all applicable laws, regulations, and post policies applicable to the U.S. embassy community;

3. Employees should encourage their U.S. citizen MOHs to register with the American Citizens Services' Smart Traveler Enrollment Program (STEP);
 4. Employees must report foreign national MOHs and request an approval for cohabitation in U.S. Government housing in accordance with [12 FAM 275](#), Reporting Cohabitation with and/or Intent to Marry a Foreign National, and [12 FAM 442](#), Members of Household; and
 5. Employees should encourage their MOHs to obtain both overseas medical insurance coverage and medical evacuation (MEDEVAC) insurance.
- e. When evaluating the suitability of an employee for assignment to a Critical Human Intelligence-Threat post under [12 FAM 263.3-2](#), Critical Human Intelligence-Threat Posts, the Bureau of Diplomatic Security (DS) will consider an MOH to the same extent it would a family member.
- f. The anti-nepotism policy in 3 FAM 8310 and 3 FAH-1 8310 applies to MOHs consistent with the Department's anti-nepotism policy.
- g. MOHs are not eligible to receive the following:
1. Paid Travel to and from post;
 2. Accreditation for diplomatic status and privileges and immunities or a diplomatic passport;
 3. Expeditious naturalization;
 4. Access to the Health Unit (HU); however the HU may provide a list of referrals for local providers;
 5. Federal Employee Health Benefit (FEHB) insurance;
 6. Airfare or evacuation allowances;
 7. Separate Maintenance Allowance (SMA); or
 8. Shipment of remains in the event that a MOH dies at post.
- h. A MOH agreement can be revoked by the COM at any time.

New 3 FAM 7121

Appointment eligible family member (AEFM): An individual who may qualify for a direct-hire Foreign Service appointment on either a family member appointment (FMA; see below) or a temporary appointment (TEMP; see below) provided that all of the following criteria are met:

1. Is a U.S. citizen; and

2. Is the spouse or domestic partner (as defined in [3 FAM 1610](#)) of the sponsoring employee, or a child of the sponsoring employee who is unmarried and at least 18 years old; and
3. Is listed on the travel orders or approved Form OF-126, Foreign Service Residence and Dependency Report, of a sponsoring employee, i.e., a direct-hire Foreign Service, Civil Service, or uniformed service member who is permanently assigned to or stationed abroad at a U.S. mission, or at an office of the American Institute in Taiwan (AIT), and who is under chief of mission authority; and
4. Is residing at the sponsoring employee's post of assignment abroad or, as appropriate, office of the American Institute in Taiwan;
5. (5) Does not receive a U.S. Government retirement annuity or pension from a career in the U.S. Foreign Service or Civil Service.

Other family members, including EFM parents (parents granted EFM status pursuant to 14 FAM 511.3(2)), or dependents on direct-hire Foreign Service, Civil Service, or uniformed service members travel orders or approved Form OF-126 who do not meet all of these criteria are not AEFMs for purposes of [3 FAM 8200](#). Both AEFMs and USEFMs receive a hiring preference for all positions advertised at post.

Member of household (MOH): An individual who accompanies or joins a sponsoring employee, i.e., sponsor is a direct-hire employee under Chief of Mission authority, either Foreign Service, Civil Service, or uniformed service member who is permanently assigned to or stationed abroad at a U.S. mission, or at an office of the American Institute in Taiwan. A MOH is:

1. Not an EFM and therefore not on travel orders or approved through form OF-126 Foreign Service Residence and Dependency Report of the sponsoring employee; and
2. Officially declared by the sponsoring U.S. Government employee to the Chief of Mission (COM) as part of his or her household and approved by the COM.

A MOH may be a parent, grandparent, grandchild, unmarried partner, adult child, foreign born child in the process of being adopted, father, mother, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister; who falls outside the Department's current definition of eligible family member. An MOH may or may not be a U.S. citizen.

U.S. citizen eligible family member (USEFM): For purposes of receiving a preference in hiring for a qualified position, a USEFM is an individual who meets the following criteria:

1. U.S. citizen; and
2. The spouse or domestic partner (as defined in [3 FAM 1610](#)) of the sponsoring employee, or a child of the sponsoring employee who is an unmarried child at least 18 years old; and
3. Listed on the travel orders or approved Form OF-126, Foreign Service Residence and Dependency Report, of a sponsoring employee, i.e., a direct-hire Foreign Service, Civil Service, or

uniformed service member who is permanently assigned to or stationed abroad at a U.S. mission, or at an office of the American Institute in Taiwan; and who is under chief of mission authority, and either:

- a. Resides at the sponsoring employee's post of assignment abroad or, as appropriate, at an office of the American Institute in Taiwan; or
- b. Resides at an involuntary separate maintenance allowance (ISMA) location authorized under [3 FAM 3232.2](#). If residing at an ISMA location, the individual will not be listed on the sponsoring officers travel orders, but will have a Form SF-1190, Foreign Allowances Application, Grant and Report, processed authorizing ISMA.

Other family members, including EFM parents (parents granted EFM status pursuant to 14 FAM 511.3(2)), or dependents on direct-hire Foreign Service, Civil Service, or uniformed service members travel orders who do not meet all of these criteria are not USEFMs for purposes of [3 FAM 8200](#). Both AEFMs and USEFMs receive a hiring preference for all positions advertised at post.

Contact Information

For questions regarding these, please contact FLOAskSupportServices@state.gov.